



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

711 Capitol Way Rm 206, PO Box 40908 * Olympia, Washington 98504-0908 * (360) 753-1111 * Fax (360) 753-1112
Toll Free 1-877-601-2828 * E-mail: pdc@pdc.wa.gov * Website: www.pdc.wa.gov

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN THE MATTER OF ENFORCEMENT)	PDC CASE NO: 03-462
ACTION AGAINST)	
)	Notice of Administrative
Balisa Weber)	Charges
)	
Respondent.)	
)	

IT IS ALLEGED as follows:

I.
JURISDICTION

Jurisdiction of this proceeding is based on Chapter 42.17 RCW, the Public Disclosure Act, Chapter 34.05, Administrative Procedure Act, and Title 390 WAC.

II.
LAW

RCW 42.17.240 Elected and appointed officials, candidates, and appointees—Reports of financial affairs and gifts, states in part: “(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year...(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months...(5) No individual may be required to file more than once in any calendar year.”

RCW 42.17.241 details the content required in each report.

“The public’s right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.”

RCW 42.17.010 (10)



WAC 390-24-010 Forms for Statement of Financial Affairs, states in part: “The official form for statements of financial affairs as required by RCW 42.17.240 is designated ‘F-1’, revised 9/02...”

III. FACTS

The Respondent, Balisa Weber, is a School Director in Conway School District 317, 20391 O’Leary Road, Mount Vernon, Washington 98274. She is an incumbent School Director who was a candidate for re-election in 2003.

As a School Director in Conway School District 317 who served during 2002, Ms. Weber was required to file an annual Statement of Financial Affairs (PDC form F-1) by no later than April 15, 2003, covering the previous calendar year. The F-1 report was not timely filed. On August 22, 2003, Ms. Weber was sent a letter informing her that the annual F-1 report due by April 15, 2003, had not been received. The letter stated that she needed to file before September 5, 2003, to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. **(Exhibit 1)** The annual F-1 report was not received.

Ms. Weber filed a Declaration of Candidacy with the Skagit County Auditor on July 29, 2003. **(Exhibit 2)** Her name appeared on the general election ballot on November 4, 2003. She ran unopposed and was elected on November 4, 2003. As a candidate in the November 4, 2003 general election, Ms. Weber was required to file a Statement of Financial Affairs (PDC form F-1) within two weeks of becoming a candidate, or by August 12, 2003. The report, required because Ms. Weber had not submitted the annual F-1 report by April 15, 2003, was not timely filed. On September 18, 2003, Ms. Weber was sent a letter informing her that the F-1 report due within two weeks of becoming a candidate had not been received. The letter stated that she needed to file before September 29, 2003, to avoid the possibility of enforcement before the Commission that could result in the assessment of monetary civil penalties. The letter also stated that filing

her F-1 report as a candidate would not impact her failure to comply with the annual F-1 filing requirement. **(Exhibit 3)** The F-1 report due by August 12, 2003, was filed on October 7, 2003.

(Exhibit 4)

Past History – In 2000, in Case #01-122, Ms. Weber was a School Director in Conway School District 317. She was required to file an annual Statement of Financial Affairs (PDC Form F-1) by April 17, 2000. The F-1 was not filed. A brief enforcement hearing was held October 23, 2000, and Ms. Weber was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs by April 17, 2000. She was assessed a civil penalty of \$200. The penalty was not paid, and on August 18, 2001, the case was sent to the Attorney General's Office for further action. A \$200 penalty payment in Case #01-122 was obtained from Ms. Weber by the Attorney General and transmitted to the PDC on June 12, 2003.

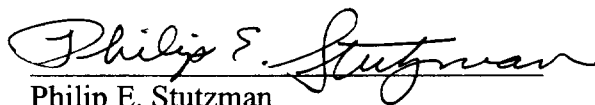
In 2001, in Case #01-658, Ms. Weber was a School Director in Conway School District 317. She was required to file an annual Statement of Financial Affairs (PDC Form F-1) by April 16, 2001. The F-1 was not filed. On June 15, 2001, Ms. Weber was notified of a brief enforcement hearing scheduled for July 24, 2001. The notice gave her the opportunity to file the missing report, stipulate to a violation of RCW 42.17.240 and pay a \$50 penalty to avoid a brief enforcement hearing. Ms. Weber filed the missing F-1 report and submitted a stipulated penalty payment of \$50 to avoid a hearing.

In 2002, in Case #02-602, Ms. Weber was a School Director in the Conway School District 317. She was required to file an annual Statement of Financial Affairs (PDC Form F-1) by April 15, 2002. The F-1 was not filed. A brief enforcement hearing was held June 4, 2002, and Ms. Weber was found in violation of RCW 42.17.240 for failing to timely file a Statement of Financial Affairs by April 15, 2002. She was assessed a civil penalty of \$350. Ms. Weber submitted her \$350 penalty payment on December 30, 2002.

IV.
CONCLUSION

Staff alleges, based on the facts specified in Section III, that Balisa Weber has violated RCW 42.17.240 by failing to timely file the annual Statement of Financial Affairs (PDC form F-1) by April 15, 2003 and by failing to file the Statement of Financial Affairs within two weeks of becoming a candidate, or by August 12, 2003.

RESPECTFULLY SUBMITTED this 19th day of November, 2003.



Philip E. Stutzman
Director of Compliance

Exhibits

Exhibit 1	August 22, 2003, Annual F-1 Warning Letter
Exhibit 2	Declaration of Candidacy
Exhibit 3	September 18, 2003, Candidate F-1 Warning Letter
Exhibit 4	F-1 Report Filed on October 7, 2003



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August 22, 2003

BALISA WEBER
20391 O'LEARY RD
MOUNT VERNON WA 98274-7570

Subject: Reminder of Missing Personal Financial Affairs Statement (PDC form F-1)

Dear Ms. Weber:

On June 5, 2003, a notice was sent to you regarding the cancellation of the Brief Enforcement Hearing scheduled for your failure to timely file the Personal Financial Affairs Statement (PDC form F-1) by April 15, 2003.

The notice referred to your past enforcement history before the Public Disclosure Commission, and stated that because you were ineligible for enforcement before a single Commissioner, you would be scheduled for a full Commission hearing.

Subsequent to this notice, PDC staff determined that you were not included in the list of officials sent an F-1 reminder letter on May 7, 2003. It is the practice of PDC staff to offer a reminder to filers of their reporting requirement before beginning the enforcement process.

In accordance with this practice, this letter serves as a reminder that your annual F-1 statement, required to be filed by April 15, 2003, by officials serving at any point during 2002, has not been received. Please file your F-1 report by September 5, 2003 to avoid the possibility of enforcement before the full Commission that could result in the assessment of civil penalties. If necessary, please also complete the F-1 Supplement form. Blank F-1 and F-1 Supplement forms are enclosed for your use.

If you have questions, please contact me at (360) 664-8854, toll free at 1-877-601-2828, or by email at pstutzman@pdc.wa.gov.

Sincerely,

For Philip E. Stutzman
Director of Compliance

Enclosures
F-1 and F-1 Supplement forms

EXHIBIT
of



Date/Time <u>7-29-03</u>	Fee Paid \$ <u> </u>	File No. <u>62</u>
Paid By (Check one)		
<input type="checkbox"/> Check	<input type="checkbox"/> Other	
<input type="checkbox"/> Cash	<input type="checkbox"/> Nom. Petition	
Clerk/Cashier initials <u>ML</u>		Office Code: <u> </u>

DECLARATION OF CANDIDACY

1. I, BALISA F. WEBER am a registered voter residing at: C
(PRINT NAME AS YOU ARE REGISTERED TO VOTE)
2. 20391 O'LEARY RD MT. VERNON SKAGIT 98274 SEH
(STREET ADDRESS OR RURAL ROUTE WHERE REGISTERED TO VOTE) (CITY) (COUNTY) (ZIP CODE)
- None
(MAILING ADDRESS) (CITY) (COUNTY) (ZIP CODE)
- (360) 445-4111 sydrop@sidha.net
(TELEPHONE NO.) (EMAIL ADDRESS)

and at the time of filing this declaration I am legally qualified to assume office if elected.

3. I declare myself as a candidate for nomination to the office of:

SCHOOL BOARD DIRECTOR
(NAME OF OFFICE)

(CONGRESSIONAL OR LEGISLATIVE DISTRICT, COUNTY, CITY, OR OTHER JURISDICTION)

(POSITION NUMBER IF APPLICABLE)

(DIRECTOR OR COMMISSIONER DISTRICT, IF ANY)

4. For the following term of office:

- ☒ A full term or a full term and a short term, or
☐ An unexpired term

5. This office is:

- ☒ Nonpartisan, or
☐ Partisan, and I am: ☐ a candidate of the party, or
☐ an independent candidate nominated pursuant to chapter 29.24 RCW.

6. Filing Fee (Check one):

- ☒ There is no filing fee because the office has no fixed annual salary, or
☐ I am submitting a filing fee of \$10 because the fixed annual salary of the office being sought is \$1,000 or less, or
☐ I am submitting a filing fee of \$, an amount equal to 1% of the annual salary, or
☐ I am without sufficient assets or income to pay the filing fee required by law and I have attached a nominating petition in lieu of this fee, pursuant to RCW 29.15.050.

7. Please print my name on the ballot **exactly** as follows:

BALISA F. WEBER
(PLEASE PRINT)

I declare that this information is, to the best of my knowledge, true. I also swear, or affirm, that I will support the Constitution and laws of the United States and the Constitution and laws of the State of Washington.

Note: Your signature must be personally attested to either by a notary public or by the officer with whom the declaration is filed.

8. Sign Here X

STATE OF WASHINGTON, COUNTY OF SKAGIT

Balisa F. Weber
(SIGNATURE OF CANDIDATE AS REGISTERED TO VOTE)

SIGNED OR ATTESTED BEFORE ME ON 7-29-03

(DATE)

by Balisa Weber

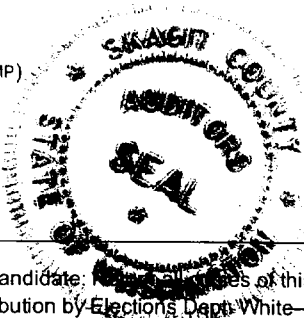
(CANDIDATE)

Mr. J. J. J. J.
(SIGNATURE OF NOTARY)

(TITLE)

MY APPOINTMENT EXPIRES

(SEAL OR STAMP)





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September 18, 2003

TO: BALISA WEBER
20391 O'LEARY RD
MT VERNON WA 98274-7570

FROM: Philip Stutzman, *Philip Stutzman* Director of Compliance, Public Disclosure Commission (PDC)

SUBJECT: **Missing Personal Financial Affairs Statement (PDC form F-1)**

Our records indicate that you are a candidate in the 2003 election and that the PDC has not yet received a Personal Financial Affairs Statement (PDC form F-1) from you. The public disclosure law requires candidates to file the F-1 form within two weeks of becoming a candidate. **An F-1 report is required from you as a candidate because you did not file the F-1 required annually by April 15, 2003 from elected and appointed officials.**

Enclosed is a blank F-1 form for your use. If applicable, also complete the F-1 Supplement Page. **Please complete the F-1 form and mail it to the PDC by September 29, 2003 to avoid the possibility of enforcement before the Commission, for failing to file the F-1 as a candidate, which may result in the assessment of monetary civil penalties.¹ Please note that filing the F-1 form as a candidate will not impact your failure to comply with the annual filing requirement.**

A template of the F-1 form is also available on the PDC Web site at www.pdc.wa.gov. Click on "Filer Assistance" and then on "Form Templates." The F-1 Instruction booklet is available on our web site under "Filer Assistance", "Manuals" and "Personal Financial Affairs Statement Instructions" and is also available from your County Auditor and the PDC.

If you need assistance, please contact Lori Anderson at (360) 664-2737 or toll-free at 1-877-601-2828 or by-mail at landerson@pdc.wa.gov.

Thank you.

Enclosure
F-1 / F-1 Supplement forms

¹ Please note that faxed reports are **not** acceptable because they only show a copy of your signature and the report needs to display your actual original signature.

EXHIBIT 3

of 1

